

Table showing effects of sequential steps to address biological impairment on components of phosphorus WPDES limits

**DRAFT** 8-17-2017 KLM

**Scenario: Waterbody is listed as impaired because of a decline in biological quality from Excellent to General. However, the waterbody attains the statewide P criterion. This sequence is for waterbodies for which a stressor ID analysis determines that P is the cause of the biological decline.**

		Department actions* →			
		Step 1. Listed as impaired for degraded biology, but pollutant is “unknown”. Not exceeding P criterion, & not listed as impaired for P** (or nutrients or DO).	Step 2. Stressor ID shows that P is the cause, but SSC has not yet been developed. Not exceeding statewide criterion, but is listed as impaired for P.	Step 3. A lower SSC is approved for P. Waterbody now exceeds its new criterion and is listed as impaired for P.	Step 4. TMDL approved.
Effect on Phosphorus Permit Limits	<b>Concentration limits</b> – affected by exceedance of criterion	No change to phosphorus permit limits	No change to concentration limit. If no permit limit, may create one based on current effluent quality to prevent further degradation.	Concentration limit in permit is revised to a WQBEL using new (lower) criterion. This typically results in a limit set at criterion. (NR 217.13(2))	Concentration limits may be required (for reasons other than the TMDL) on a case by case basis. (NR 217.16)
	<b>Mass limits</b> – affected by impairment status		If no current mass limit is in permit, one is added. (NR 217.14) →		Mass limit based on TMDL
	<b>New discharges</b> – affected by impairment status		New or increased discharges have additional restrictions → (NR 217.13(8))		New or increased discharges may be allowed if mass allocation becomes available (e.g. reserve capacity) or is offset via WQ trading

\* The department actions listed here are sequential in order. Whether the department proceeds through one or more of these steps for any given waterbody is dependent on the level of department resources available and on the priority placed on each waterbody. At each of these stages, there is opportunity for public comment.

\*\*NR 217.11(4): ““Phosphorus impaired water” means a surface water listed as impaired on the 303(d) list that is impaired for phosphorus, nutrients, or diurnal swings of dissolved oxygen.” [Note: This does not include listing for biological metrics.]

Note: Perhaps as part of the stressor ID study we could do upstream & downstream sampling from the facility, and if the impact is evident upstream (& is not worse downstream) then we could determine that the facility isn’t the cause?